UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,374	08/14/2001	Elliot Waingold	021604.0108	1018

7590 10/04/2007

Kent Chambers
HAMILTON & TERRILE LLP
P O BOX 203518
Austin, TX 78720

EXAMINER	
MEINECKE DIAZ, SUSANNA M	
ART UNIT	**PAPER NUMBER**
3692	
MAIL DATE	**DELIVERY MODE**
10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/929,374	WAINGOLD, ELLIOT	
	Examiner	Art Unit	
	Susanna M. Diaz	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-14 and 16-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-14 and 16-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2007 has been entered.

Claims 1, 10, and 17 have been amended.

Claims 29-34 have been added.

Claims 1-6, 8-14, and 16-34 are pending.

Response to Arguments

2. Applicant's arguments filed July 19, 2007 have been fully considered but they are not persuasive.

Applicant argues the claims as amended, which will be addressed in more detail in the revised art rejection found below.

Claim Objections

3. Claim 29 is objected to because of the following informalities:

Claim 29, line 3, delete "of" before "target"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-14, 16, 31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-14, 16, 31, and 32 recite various modules that are not directly integrated with the structural elements of the system; therefore, it is not clear that these modules affect the scope of the claimed invention. For example, the modules should be expressly recited as being stored in a structural element of the system (such as the memory) and they should be expressly recited as executable by a processing or computing element of the system.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-6, 8-14, and 16-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brezin et al. (US 2002/0178161) in view of Work (US 2002/0059201).

Brezin discloses a method for selecting a contact path between a first member of an organization and a target individual, the method comprising:

[Claim 1] storing in a memory data associated with multiple members of the organization one or more areas of expertise for the multiple members of the organization and the target individual is one of the multiple members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

tracking network communications of the members of the organization (abstract);

analyzing the level of interaction between the members of the organization to develop a people network (Figs. 7A, 7B; ¶¶ 32-73);

identifying an area of expertise desired by the first member of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored. ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

selecting a contact path between a first member of the organization and the target individual, the contact path including one or more members of the organization having at least a predetermined level of interaction with the first member and the target individual (Figs. 7A, 7B; ¶¶ 32-73) and the contact path identifies one or more members of the organization that represent a proposed path through the people network for the selected member to contact the target individual (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 2] modeling the people network of the organization as a directed graph having plural nodes representing members of the organization and the plural edges representing levels of interaction between members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

wherein analyzing the level of interaction comprises analyzing the edges associated with the first member and the target individual (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 3] wherein each edge comprises one or more weights, each weight representing a level of interaction for one type of network communication (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 4] wherein one weight represents the level of interaction for e-mail communication (¶¶ 33-37, 61-63);

[Claim 6] wherein one weight represents the level of interaction for telephone communication (¶¶ 33-37, 58-60);

[Claim 8] wherein selecting a contact path further comprises selecting plural contact paths, each contact path representing a proposed path through the people network for the selected member to contact a member of the organization having the desired expertise (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 9] graphically depicting the plural contact paths as nodes representing members of the organization and edges representing the level of interaction between the members, each node and edge having an appearance that corresponds to the strength of the contact path (Figs. 7A, 7B);

[Claim 26] wherein selecting a contact path between the first member of the organization and the target individual comprises:

selecting a contact path between the first member of the organization and the target individual, wherein the contact path includes at least one intervening member of

the organization between the first member and the target individual (¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group," which means that not only can user U be contacted by the first member, but also other users in user U's derived relation group, thereby making user U an intervening member and one of the other users in user U's derived relation group a target individual);

[Claim 29] providing data to a computer system for displaying the contact path and the expertise of the target individual (¶¶ 25, 30, 32-43, 76-88 – Brezin provides data to a computer system. The phrase "for displaying the contact path and the expertise of the target individual" is intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The claimed recitations of intended use neither result in a structural difference between the claimed invention and the prior art nor in a manipulative difference as compared to the prior art; therefore, the claimed invention is not deemed to be patentably distinct over the prior art. Additionally, even if the claim positively recited that the specific type of data were displayed, such a recitation would amount to non-functional, descriptive data. Such recitations do not effectively serve to patentably distinguish the claimed invention over the prior art. The

recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability as the claimed invention fails to present a new and unobvious functional relationship between the descriptive material and the substrate, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106*).

Regarding claims 1 and 30, Brezin does not expressly disclose that the data stored in the memory directly states one or more areas of expertise for the multiple members of the organization nor does Brezin explicitly perform the step of processing the data that directly states the one or more areas of expertise for the multiple members of the organization to identify at least the target individual of the organization, wherein the data associated with the target individual states that the target individual has expertise in the area of expertise desired by the first member of the organization (claim 1) or the step of storing the data in a contact database and the data, including the data that states the one or more areas of expertise for the multiple members of the organization, is stored in the contact database (claim 30). However, Work allows a user to search for members with desired expertise based on an expertise key word(s) and the user may specify if the search is to be conducted among all members or if it should be limited to the user's contacts and/or contacts of the user's contacts (Fig. 4; ¶¶ 155-

172). The search request terms are parsed into component parameters and applied to a search in the user profiles to find the best matches (¶ 171) and expertise-related key words may be specified as part of the search parameters (Fig. 4), thereby implying that Work stores data that directly states one or more areas of expertise for the multiple members of the system and Work identifies target individuals based on the individual's directly stated area(s) of expertise. Work's invention provides the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users." (¶ 20) Also, Work states that "being based on rule-created concepts that are defined by data users enter about themselves and about their relationships, i.e., profile and contact information, the present access groups require less administration, that is, less manual assignment of specific people to specific groups." (¶ 20) Since both Brezin and Work are directed toward facilitating the establishment and effective use of social networks, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that the data stored in the memory directly states one or more areas of expertise for the multiple members of the organization and such that Brezin performs the steps of processing the data that directly states the one or more areas of expertise for the multiple members of the organization to identify at least the target individual of the organization, wherein the data associated with the target individual states that the target individual has expertise in the area of

expertise desired by the first member of the organization (claim 1) and storing the data in a contact database and the data, including the data that states the one or more areas of expertise for the multiple members of the organization, is stored in the contact database (claim 30) in order to glean the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users" (as suggested in ¶ 20 of Work) and "requir[ing] less administration, that is, less manual assignment of specific people to specific groups" (also suggested in ¶ 20 of Work), thereby facilitating identification of organizational members with the desired knowledge or expertise that a user seeks (which is a goal of both Brezin and Work).

Brezin discloses a system for determining a people network representation of an organization, the system comprising:

[Claim 10] a memory to store data associated with multiple members of the organization and one or more areas of expertise for the multiple members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

a communications network operable to exchange communications between plural members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

a people network model module interfaced with the communications network and interfaced with the memory and operable to model communications of the communications network (Figs. 7A, 7B; ¶¶ 32-73);

an interaction level analyzer module interfaced with the people network model module and operable to apply a model of the communications to the level of interaction of the plural members to determine a people network representation (Figs. 7A, 7B; ¶¶ 32-73);

a target locator module interfaced with the people network model and the interaction level analyzer modules, the target locator module operable to accept a query from a first member for members of the organization having a desired expertise and to provide the first member with one or more target individuals based on the desired expertise and the level of interaction of the first member with members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 11] a graphical user interface operable to depict a visualization of the people network of a selected member of the organization (Figs. 7A, 7B);

[Claim 12] wherein the graphical user interface depicts a selected member's people network representation as plural nodes interfaced with edges, the nodes representing members of the network and the lines representing the level of interaction between the members (Figs. 7A, 7B);

[Claim 14] wherein the people network model module is further operable to model the people network of the organization as a directed graph having plural nodes and edges, the nodes representing members of the organization and the edges representing the level of interaction between nodes (Figs. 7A, 7B);

[Claim 27] wherein the people network representation includes a contact path between the first member and the one or more target individuals and the contact path includes at least one intervening member of the organization between the first member and at least one of the one or more target individuals (¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group," which means that not only can user U be contacted by the first member, but also other users in user U's derived relation group, thereby making user U an intervening member and one of the other users in user U's derived relation group a target individual);

[Claim 32] a display module to provide data for displaying of target individuals with rankings based on expertise (¶¶ 25, 30, 32-43, 76-88 – Brezin provides data to a computer system. The phrase "for displaying of target individuals with rankings based

on expertise" is intended use, especially since, within the scope of the claim, the display module is only recited as being responsible for providing data. The claim does not require that the display module itself display rankings of target individuals based on expertise. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The claimed recitations of intended use neither result in a structural difference between the claimed invention and the prior art nor in a manipulative difference as compared to the prior art; therefore, the claimed invention is not deemed to be patentably distinct over the prior art. Additionally, even if the claim positively recited that the specific type of data were displayed, such a recitation would amount to non-functional, descriptive data. Such recitations do not effectively serve to patentably distinguish the claimed invention over the prior art. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability as the claimed invention fails to present a new and unobvious functional relationship between the descriptive material and the substrate, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32*

F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106).

Regarding claims 10 and 31, Brezin does not expressly disclose that the data stored in the memory directly states one or more areas of expertise for the multiple members of the organization nor does Brezin explicitly perform the step of processing the data that directly states the one or more areas of expertise for the multiple members of the organization to identify at least the target individual of the organization, wherein the data associated with the target individual states that the target individual has expertise in the area of expertise desired by the first member of the organization (claim 10) or the step of storing the data in a contact database and the data, including the data that states the one or more areas of expertise for the multiple members of the organization, is stored in the contact database (claim 31). However, Work allows a user to search for members with desired expertise based on an expertise key word(s) and the user may specify if the search is to be conducted among all members or if it should be limited to the user's contacts and/or contacts of the user's contacts (Fig. 4; ¶¶ 155-172). The search request terms are parsed into component parameters and applied to a search in the user profiles to find the best matches (¶ 171) and expertise-related key words may be specified as part of the search parameters (Fig. 4), thereby implying that Work stores data that directly states one or more areas of expertise for the multiple members of the system and Work identifies target individuals based on the individual's directly stated area(s) of expertise. Work's invention provides the benefits of making "it

relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users." (¶ 20) Also, Work states that "being based on rule-created concepts that are defined by data users enter about themselves and about their relationships, i.e., profile and contact information, the present access groups require less administration, that is, less manual assignment of specific people to specific groups." (¶ 20) Since both Brezin and Work are directed toward facilitating the establishment and effective use of social networks, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that the data stored in the memory directly states one or more areas of expertise for the multiple members of the organization and such that Brezin performs the steps of processing the data that directly states the one or more areas of expertise for the multiple members of the organization to identify at least the target individual of the organization, wherein the data associated with the target individual states that the target individual has expertise in the area of expertise desired by the first member of the organization (claim 10) and storing the data in a contact database and the data, including the data that states the one or more areas of expertise for the multiple members of the organization, is stored in the contact database (claim 31) in order to glean the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls

by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users" (as suggested in ¶ 20 of Work) and "requir[ing] less administration, that is, less manual assignment of specific people to specific groups" (also suggested in ¶ 20 of Work), thereby facilitating identification of organizational members with the desired knowledge or expertise that a user seeks (which is a goal of both Brezin and Work).

Brezin discloses a method of using a computer system for determining a target individual having expertise in a subject matter of interest to a first member of an organization, the method comprising executing code stored in the computer system for: [Claim 17] storing in a memory data associated with multiple members of the organization, wherein the data includes one or more areas of expertise for the multiple members of the organization and the target individual is one of the multiple members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

selecting as target individuals only the identified members having at least a predetermined level of electronic communication interaction with the first member (¶¶ 65-73, 76-81, 83-84, 88-90) and the expertise in the subject matter as implied in the data associated with each target individual (Figs. 7A, 7B; ¶¶ 32-73, 76-81 – Associating

a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group"); and

providing the first member with at least one contact path to each of the target individuals (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 19] wherein providing the first member with contact paths comprises:

modeling a people network of the organization based on communications of members of the organization across a network (Figs. 7A, 7B; ¶¶ 32-73); and

determining the contact paths by analyzing the level of interaction between members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 20] wherein modeling a people network comprises representing the people network as a directed graph having a node for each member of the organization, the nodes interfaced by edges representing levels of interaction (Figs. 7A, 7B);

[Claim 21] wherein the communications network supports plural type of communication and wherein each edge has a set of weights, each type of communication having an associated weight (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 22] wherein the communications comprise e-mail communications (¶¶ 33-37, 61-63);

[Claim 24] wherein the communications comprise phone communications ¶¶ 33-37, 58-60);

[Claim 26] wherein providing the first member with at least one contact path to each of the target individuals comprises:

providing the first member with at least one contact path to each of the target individuals, wherein the contact path includes at least one intervening member of the organization between the first member and the target individual (¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group," which means that not only can user U be contacted by the first member, but also other users in user U's derived relation group, thereby making user U an intervening member and one of the other users in user U's derived relation group a target individual);

[Claim 33] providing data to a computer system for displaying the contact path and the expertise of the target individual (¶¶ 25, 30, 32-43, 76-88 – Brezin provides data to a

computer system. The phrase "for displaying the contact path and the expertise of the target individual" is intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The claimed recitations of intended use neither result in a structural difference between the claimed invention and the prior art nor in a manipulative difference as compared to the prior art; therefore, the claimed invention is not deemed to be patentably distinct over the prior art. Additionally, even if the claim positively recited that the specific type of data were displayed, such a recitation would amount to non-functional, descriptive data. Such recitations do not effectively serve to patentably distinguish the claimed invention over the prior art. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability as the claimed invention fails to present a new and unobvious functional relationship between the descriptive material and the substrate, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106*).

Regarding claims 17 and 34, Brezin does not expressly disclose that the data stored in the memory directly states one or more areas of expertise for the multiple members of the organization nor does Brezin explicitly perform the step of processing the data that directly states the one or more areas of expertise for the multiple members of the organization to identify at least the target individual of the organization, wherein the data associated with the target individual states that the target individual has expertise in the area of expertise desired by the first member of the organization (claim 17) or the step of storing the data in a contact database and the data, including the data that states the one or more areas of expertise for the multiple members of the organization, is stored in the contact database (claim 34). However, Work allows a user to search for members with desired expertise based on an expertise key word(s) and the user may specify if the search is to be conducted among all members or if it should be limited to the user's contacts and/or contacts of the user's contacts (Fig. 4; ¶¶ 155-172). The search request terms are parsed into component parameters and applied to a search in the user profiles to find the best matches (¶ 171) and expertise-related key words may be specified as part of the search parameters (Fig. 4), thereby implying that Work stores data that directly states one or more areas of expertise for the multiple members of the system and Work identifies target individuals based on the individual's directly stated area(s) of expertise. Work's invention provides the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more

sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users." (¶ 20) Also, Work states that "being based on rule-created concepts that are defined by data users enter about themselves and about their relationships, i.e., profile and contact information, the present access groups require less administration, that is, less manual assignment of specific people to specific groups." (¶ 20) Since both Brezin and Work are directed toward facilitating the establishment and effective use of social networks, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that the data stored in the memory directly states one or more areas of expertise for the multiple members of the organization and such that Brezin performs the steps of processing the data that directly states the one or more areas of expertise for the multiple members of the organization to identify at least the target individual of the organization, wherein the data associated with the target individual states that the target individual has expertise in the area of expertise desired by the first member of the organization (claim 17) and storing the data in a contact database and the data, including the data that states the one or more areas of expertise for the multiple members of the organization, is stored in the contact database (claim 34) in order to glean the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users" (as suggested in ¶ 20 of Work) and

"requir[ing] less administration, that is, less manual assignment of specific people to specific groups" (also suggested in ¶ 20 of Work), thereby facilitating identification of organizational members with the desired knowledge or expertise that a user seeks (which is a goal of both Brezin and Work).

[Claims 5, 23] As per claims 5 and 23, Brezin discloses the tracking and weighting of interactions involving various forms of communication, including e-mail and phone (abstract), yet Brezin does not expressly teach that one weight may represent the level of interaction for instant messenger communication. However, Official Notice is taken that it is old and well-known in the art of communications that instant message services are commonly used to transmit messages among friends and colleagues [now admitted prior art]. Since Brezin already envisions the tracking of various forms of communication to identify relationships among users, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that one weight may represent the level of interaction for instant messenger communication in order to gather a more comprehensive profile of communications among various users in order to glean a more accurate understanding of the relationships among these users.

[Claim 13] Regarding claim 13, Brezin discloses that a distance measurement is calculated to represent the organizational distance between various members of an organization (¶ 51). Brezin does not expressly teach the depiction of the first member's people network representation as a bullseye having the first member at the center and

members of the organization distributed in successive rings representing the level of interaction with the first member; however, Official Notice is taken that it is old and well-known in the art of graphing to use bullseye-type graphs to represent distance relations among graphed data [now admitted prior art]. Since Brezin's invention analyzes distances among various members of an organization, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that the graphical user interface depicts the first member's people network representation as a bullseye having the first member at the center and members of the organization distributed in successive rings representing the level of interaction with the first member in order to facilitate quicker visual analysis of such distance measurements, which is a common benefit gleaned from graphs (i.e., the ability to perform quicker visual analysis of graphed data).

[Claims 16, 18, 25] Brezin does not expressly teach that target individuals are identified using a shortest path determination to prioritize target individuals in order of strongest contact path with the first member (claim 16), identified based on those having contact paths of less than a predetermined number of intervening members between the target individual and the first member (claim 18), or identified based on contact paths by performing a strongest path analysis using the people network model to prioritize target individuals (claim 25). Work, however, discloses an internet-based human network brokering system in which searching users can request that the broker find potential targets possessing desired profile criteria within a specific degree of trust (¶¶ 23, 25, 27,

29). By limiting the acceptable target individuals to a lower degree of trust, the broker is effectively selecting target individuals that have contact paths of less than a predetermined number of intervening members between the target individual and the first member. The target individuals that are only one degree removed from the searcher would have the shortest and strongest path between themselves and the searcher (as opposed to someone who is two or three degrees removed from the searcher). Work's invention provides the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users." (¶ 20) Also, Work states that "being based on rule-created concepts that are defined by data users enter about themselves and about their relationships, i.e., profile and contact information, the present access groups require less administration, that is, less manual assignment of specific people to specific groups." (¶ 20) Since both Brezin and Work are directed toward facilitating the establishment and effective use of social networks, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that target individuals are identified using a shortest path determination to prioritize target individuals in order of strongest contact path with the first member (claim 16), identified based on those having contact paths of less than a predetermined number of intervening members between the target individual and the first member (claim 18), or identified based on contact paths by performing a

strongest path analysis using the people network model to prioritize target individuals (claim 25), as taught by Work, in order to glean the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users" (as suggested in ¶ 20 of Work) and "requir[ing] less administration, that is, less manual assignment of specific people to specific groups" (also suggested in ¶ 20 of Work).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susanna Diaz

Susanna M. Diaz
Primary Examiner
Art Unit 3694

September 19, 2007